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13 Attorneys for Defendant
14 PACIFIC GAS AND ELECTRIC COMPANY

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 RASH B. GHOSH,

18 Plaintiff,

19 vs.

20 CITY OF BEKELEY, ZACHARY D.
21 COWAN, LAURA MCKINNEY, MARK
22 RHOADES, JOAN MacQUARRIE,
23 MATTHEW LeGRANT, PATRICK
24 EMMONS, BERKELEY HOUSING
25 AUTHORITY, TIA INGRAM, J. BENJAMIN
26 MCGREW, PACIFIC GAS AND ELECTRIC
27 COMPANY, KORMAN & NG, ROBERT
28 RICHERSON, and Doe 1 GREG
HEIDENREICH, and Doe 2 MALCOLM D.
PRINCE, Doe 3 FRANK TULP and DOES 1-
10.

Defendants.

Case No. CV-14-02922 MMC

**NOTICE OF MOTION AND MOTION TO
DISMISS AMENDED COMPLAINT AS
TO DEFENDANT PG&E OR, IN THE
ALTERNATIVE, FOR A MORE
DEFINITE STATEMENT**
Fed. R. Civ. Proc 12 (b) (6); 12 (e)

Date: December 19, 2014
Time: 9:00 a.m.
Court.: 450 Golden Gate Avenue, San
Francisco, CA
Dept.: Courtroom 7
Judge: Hon. Maxine Chesney

Complaint filed: June 24, 2014

1 TO PLAINTIFF RASH B. GHOSH:

2 NOTICE IS HEREBY GIVEN that on December 19, 2014 at 9:00 a.m., or as thereafter as
3 counsel may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San
4 Francisco, California, Courtroom 7, 19th Floor, in the courtroom of Judge Maxine M. Chesney,
5 defendant will, and hereby does, move the Court for an order dismissing the amended complaint
6 as to defendant Pacific Gas and Electric Company. This motion is brought on the grounds that
7 (1)the amended complaint is so vague and unintelligible that it completely fails to state a viable
8 claim for relief under Rule 12 (b)(6); (2) the plausible claims are barred by the applicable statutes
9 of limitation; (3) the claims are barred by the principles of res judicata and collateral estoppel; (4)
10 plaintiff has failed to serve a proper summons duly issued by the clerk of the court; (5) plaintiff
11 has failed to timely serve the summons and complaint within 120 days of the filing of the
12 complaint.

13 This motion is based on this Notice of Motion and Motion, the Memorandum of Points and
14 Authorities filed herewith, the declaration of Kenyon Mark Lee filed herewith, the Request for
15 Judicial Notice, also filed herewith, and the pleadings and papers on file herein, and upon such
16 other matters as may be presented to the Court at the time of the hearing.

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Dated: November 13, 2014

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By: /s/ Kenyon Mark Lee

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Kenyon Mark Lee

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Attorneys for Defendant Pacific Gas and
Electric Company

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